

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants,

*and*

KARLA PEREZ, *et al.*,

STATE OF NEW JERSEY,

Defendant-Intervenors.

Case No. 18-cv-00068

**FOURTH NOTICE OF COMPLIANCE WITH  
THE COURT'S ORDER [ECF No. 576]**

On July 16, 2021, the Court granted Plaintiffs' Motion for Summary Judgment in part, ECF No. 575, and issued a permanent injunction, ECF No. 576. The injunction permits the Federal Defendants to continue to accept but not grant requests from initial requestors and to continue to grant renewal requests from existing DACA recipients. Pursuant to the Court's order, the Federal Defendants submit the following:

1. As noted in prior filings, the Federal Defendants have taken measures to halt the processing of initial DACA requests, and to rectify any inadvertent grants of initial DACA requests. *See* ECF Nos. 578, 578-1, 588, 588-1.
2. The Federal Defendants previously notified the Court of a limited number of instances where noncitizens have had their initial DACA requests inadvertently granted, and that USCIS had taken immediate corrective actions in all cases. The Federal Defendants explained in their July 27, 2021 notice that USCIS had inadvertently approved nine initial DACA requests. *See* ECF Nos. 578, 578-1. On September 21, 2021, the Federal Defendants explained that two additional initial DACA requests and employment authorization applications were granted in error. *See* ECF Nos. 588, 588-1. In all instances, USCIS notified those individuals who received approvals that the approvals were void at the time they were issued, and USCIS took further steps to prevent additional errors. *Id.*
3. More recently, the Federal Defendants became aware that two additional DACA requests were erroneously approved due to a technical glitch and an unusual and limited circumstance in which the DACA requestor's alien number ("A-number") was at some point in time incorrectly associated with another, unrelated DACA recipient. *See* Declaration of David A. Blair, ¶ 6. Due to a technical glitch, in both cases the USCIS Electronic Immigration System (ELIS), which flags DACA requests filed more than a

year after expiration for conversion to initial DACA requests, read the expiration date information associated with the unrelated DACA recipient's A-number instead of the A-number of the correct DACA requestor. *Id.* at ¶ 7. Because the two unrelated individuals happened to have a previous DACA expiration date that would make them eligible to submit a renewal request, ELIS did not identify the two DACA requests as late-filed requests to be treated as initial DACA requests rather than as renewals. *Id.*

4. Once the erroneous approvals were identified, USCIS notified the two individuals that the approvals were void at the time they were issued, and reopened the filings so that they now remain pending in USCIS systems as initial DACA requests. *Id.* at ¶ 8. USCIS has since corrected the technical issues in ELIS that led to these errors. *Id.* at ¶ 9.

Dated: December 3, 2021

BRIAN M. BOYNTON  
Acting Assistant Attorney General  
Civil Division

AUGUST E. FLENTJE  
Special Counsel  
Civil Division

WILLIAM C. PEACHEY  
Director, Office of Immigration Litigation  
District Court Section

JEFFREY S. ROBINS  
Attorney-in-Charge  
Deputy Director

Respectfully submitted,

*/s/ James J. Walker*

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JAMES J. WALKER  
Senior Litigation Counsel  
U.S. Department of Justice  
Civil Division  
Office of Immigration Litigation  
District Court Section  
P.O. Box 868, Ben Franklin Station  
Washington, D.C. 20044  
Phone: (202) 532-4468  
Fax: (202) 305-7000  
Email: james.walker3@usdoj.gov

*Attorneys for Federal Defendants*

**CERTIFICATE OF SERVICE**

I certify that on December 3, 2021, this document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

*/s/ James J. Walker*

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JAMES J. WALKER